

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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GARY KOOPMANN, TIMOTHY KIDD and  
VICTOR PIRNIK, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiffs,

v.

FIAT CHRYSLER AUTOMOBILES N.V.,  
FCA US LLC, SERGIO MARCHIONNE,  
RICHARD K. PALMER, SCOTT  
KUNSELMAN, MICHAEL DAHL, STEVE  
MAZURE, and ROBERT E. LEE,

Defendants.

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No. 15 Civ. 7199 (JMF)

**DECLARATION OF JOSHUA S. LEVY  
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS THE  
EMISSIONS-RELATED CLAIMS FROM THE FOURTH AMENDED COMPLAINT**

I, Joshua S. Levy, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a member of the bar of this Court and am associated with the law firm of Sullivan & Cromwell LLP ("S&C"), counsel for Defendants in the above-captioned action.

2. I respectfully submit this Declaration to provide the Court with certain materials cited in the Memorandum of Law in Support of Defendants' Motion to Dismiss the Emissions-Related Claims from the Fourth Amended Complaint.

3. Attached hereto as Exhibit 1 is a true and correct copy of the transcript of Fiat Chrysler Automobiles N.V.'s ("FCA NV") July 27, 2017 earnings call, obtained from Bloomberg L.P.

4. Attached hereto as Exhibit 2 is a true and correct copy of the audio recording of FCA NV's July 27, 2017 earnings call, obtained from Bloomberg L.P. The audio file will be provided to the Court on a CD.

5. Attached hereto as Exhibit 3 is a true and correct copy of a service bulletin titled "18-018-14 REV. D," dated October 17, 2014, which is also available at <https://static.nhtsa.gov/odi/tsbs/2014/SB-10063276-0335.pdf>.

6. Attached hereto as Exhibit 4 is a true and correct copy of a service bulletin titled "18-045-14," dated November 21, 2014, which is also available at <https://static.nhtsa.gov/odi/tsbs/2014/SB-10063350-0335.pdf>.

7. Attached hereto as Exhibit 5 is a true and correct copy of a service bulletin titled "09-006-15," dated July 18, 2015, which is also available at <https://static.nhtsa.gov/odi/tsbs/2015/SB-10058923-9828.pdf>.

8. Attached hereto as Exhibit 6 is a true and correct copy of a service bulletin titled "18-064-15," dated September 24, 2015, which is also available at [http://www.wk2jeeps.com/tsb/tsb\\_wk2\\_1806415.pdf](http://www.wk2jeeps.com/tsb/tsb_wk2_1806415.pdf).

9. Attached hereto as Exhibit 7 is a true and correct copy of a service bulletin titled "18-017-16," dated February 17, 2016, which is also available at <https://static.nhtsa.gov/odi/tsbs/2016/SB-10074912-5290.pdf>.

10. Attached hereto as Exhibit 8 is a true and correct copy of a letter from the Environmental Protection Agency ("EPA") to automobile manufacturers, including FCA US LLC ("FCA US"), dated September 25, 2015, concerning confirmatory emissions testing.

11. Attached hereto as Exhibit 9 is a true and correct copy of a CNBC article titled *CNBC Exclusive: CNBC Transcript: Fiat Chrysler CEO Sergio Marchionne Speaks with*

*CNBC's Phil LeBeau Today on CNBC's "Power Lunch"*, dated January 12, 2017, which is also available at <https://www.cnbc.com/2017/01/12/cnbc-exclusive-cnbc-transcript-fiat-chrysler-ceo-sergio-marchionne-speaks-with-cnbc-phil-lebeau-today-on-cnbc-power-lunch.html>.

12. Attached hereto as Exhibit 10 is a true and correct copy of a letter from the National Highway Traffic Safety Administration ("NHTSA") to FCA US, dated October 29, 2014, concerning a recall involving vehicles installed with airbags manufactured by third-party Takata Corp.

13. Attached hereto as Exhibit 11 is a true and correct copy of a letter from NHTSA to FCA US, dated November 19, 2014, concerning a recall involving rear fuel tanks of certain Jeep models.

14. Attached hereto as Exhibit 12 is a true and correct copy of a letter from NHTSA to FCA US, dated November 25, 2014, concerning a recall involving vehicles installed with airbags manufactured by third-party Takata Corp.

15. Attached hereto as Exhibit 13 is a true and correct copy of a *Reuters* article titled *Germany Goes to EU with Accusation of Fiat Emissions Cheating*, dated September 1, 2016, which is also available at <http://www.reuters.com/article/us-germany-fiat-chrysler-emissions-docum-idUSKCN1174O3>.

16. Attached hereto as Exhibit 14 is a true and correct copy of a press release issued by the European Commission titled *Car Emissions: Commission Opens Infringement Procedure Against Italy for Breach of EU Rules on Car Type Approval*, dated May 17, 2017, which is also available at [http://europa.eu/rapid/press-release\\_IP-17-1288\\_en.htm](http://europa.eu/rapid/press-release_IP-17-1288_en.htm).

17. Attached hereto as Exhibit 15 is a true and correct copy of a *Reuters* article titled *German Transport Ministry Says Finds Defeat Device in Fiat Car*, dated March 31,

2017, which is also available at <http://www.reuters.com/article/fiat-emissions-germany-idUSL5N1H85FJ>.

18. Attached hereto as Exhibit 16 is a true and correct copy of a press release issued by FCA NV titled *FCA on Real Driving Emissions*, dated February 2, 2016.

19. Attached hereto as Exhibit 17 is a true and correct copy of a *WardsAuto* article titled *Emissions Testing Backlog Problematic, FCA Exec Says*, dated December 2, 2015, which is also available at <http://wardsauto.com/engines/emissions-testing-backlog-problematic-fca-exec-says>.

20. Attached hereto as Exhibit 18 is a true and correct copy of a letter from FCA US to the EPA, dated August 21, 2014, concerning FCA US's application for Certificates of Conformity for Model Year 2015 Jeep Grand Cherokee and Dodge Ram 1500 3.0 liter diesel vehicles. The letter is posted to the EPA's website with a document date of December 17, 2014, and is also available at [https://iaspub.epa.gov/otaqpub/display\\_file.jsp?docid=34338&flag=1](https://iaspub.epa.gov/otaqpub/display_file.jsp?docid=34338&flag=1).

21. Attached hereto as Exhibit 19 is a true and correct copy of a letter from FCA US to the EPA, dated June 8, 2015, concerning FCA US's application for Certificates of Conformity for Model Year 2015 Jeep Grand Cherokee and Dodge Ram 1500 3.0 liter diesel vehicles. The letter is posted to the EPA's website with a document date of June 25, 2015, and is also available at [https://iaspub.epa.gov/otaqpub/display\\_file.jsp?docid=34338&flag=1](https://iaspub.epa.gov/otaqpub/display_file.jsp?docid=34338&flag=1).

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of September 2017 in New York, New York.

/s/ Joshua S. Levy  
Joshua S. Levy